



IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:12 cv 830 CMH/JFA  
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) Jeremy Joseph Ross (b) 94865  
(Name) (Inmate number)

(c) 9320 Merrimac trail (V.P.R.J.)  
(Address)

Williamsburg, VA. 23185



Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) TERRENCE SCHULTZ (b) Police officer  
(Name) (Title/Job Description)

City of  
VA Beach

(c) Fourth Precinct of the VA Beach Police Dept.  
(Address)

840 Kempsville Road Virginia Beach, Virginia. 23464

2. (a) Shaun Lindemeyer  
(Name)

(b) Police officer City of Virginia Beach  
(Title/Job Description)

(c) 4<sup>th</sup> Precinct of the VA.Beach Police Dept.  
(Address)

840 Kempsville Road VA.Beach VA. 23464

3. (a) \_\_\_\_\_  
(Name)

(b) \_\_\_\_\_  
(Title/Job Description)

(c) \_\_\_\_\_  
(Address)

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

**Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.**

## II. PREVIOUS LAWSUITS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [ ] No [✓]

B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) NON Applicable

Defendant(s) NON Applicable

2. Court (if federal court, name the district; if state court, name the county):

NON Applicable

3. Date lawsuit filed: NON applicable

4. Docket number: NON applicable

5. Name of Judge to whom case was assigned: NON Applicable

6. Disposition (Was case dismissed?Appealed? Is it still pending? What relief was granted, if any?):  
NON applicable

### III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: \_\_\_\_\_  
immediately upon my arrest "on the street"

B. Does the institution listed in "A" have a grievance procedure? Yes [ ] No [✓]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [ ] No [ ]

2. If so, where and when: NON Applicable

3. What was the result? NON applicable

4. Did you appeal? Yes [ ] No [ ]

5. Result of appeal: NON applicable

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [ ] No [✓]

If your answer is Yes, what steps did you take? NON Applicable

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

My complaint is against Police officer's not prison  
I complained initially to Internal Affairs

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

On May 4<sup>th</sup> 2011 I was arrested by the Virginia Beach police. After initial contact between the officers and myself (Jeremy Joseph Ross) a short foot chase ensued. I was then shot by a taser gun by officer Lindemeyer that's when I immediately layed myself down face first. While I was laying there motionless officer Schultz approached me and advised me to open my hands. I could not open my hands because they were locked shut from the electricity which was still pulsing through my body from the taser. Officer Schultz then manually opened my hand's, pulled my hand's down behind my back and cuffed me. At that point officer Schultz jumped on me with all his weight coming down on me with his knee's breaking my collarbone and cracking several of my ribs. He did this purposely out of spite while I lay there face down and handcuffed. By inflicting these injuries on me vengefully I believe my 4<sup>th</sup> Amendment Right's were violated. This occurred in the 400 block of S. Military Highway at the wayside motor inn in VA. Beach Virginia.

**V. RELIEF**

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. J. R. (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

Award money damages in the amount of \$ 500,000

Grant injunctive relief by \_\_\_\_\_

Other \_\_\_\_\_

**VI. PLACES OF INCARCERATION**

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Arrested.  
5-4-11 → VA. Beach correctional center 2501 James Madison Blvd. VA.Beach 23456  
(transferred)  
4-25-12 → Norfolk city Jail - 811 E. city hall Ave. Norfolk VA. 23501  
6-11-12 → (transfer) → Virginia Peninsula Regional Jail 9320 Merrimac trail Williamsburg, VA. 23185

**VII. CONSENT**

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [  ] No [  ]. You may consent at any time; however, an early consent is encouraged.

**VIII. SIGNATURE**

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 17<sup>th</sup> day of July, 2012.

Plaintiff Jeremy Joseph Dow